IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION NO : 12782 of 2005

Between:

M/s. Secunderabad Club Rep.by its Secretary, Brig. S. Ramananda Rao (Retd.) Picket Secunderabad.

..... PETITIONER

AND

1 The Commercial Tax Officer,
Maredpally Circle Hyderabad.
2 The Appellate Deputy Commissioner (CT)
Panjagutta Division Hyderabad.
3 The Additional Commissioner (CT) Legal
Andhra Pradesh Nampally
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Certiorari or any other appropriate writ, order or direction quashing the order of the 3rd Respondent in CCT's Ref.No.L111/(2)/246/2005, dt.30-3-2005 as illegal, arbitrary and unreasonable and restrain the 1st respondent from taking any coercive steps against the petitioner for collecting the balance disputed tax of Rs.1,92,904/- & Rs.2,46,298/- for the years 2001-02 & 2002-03 respectively pending disposal of the appeals before the 2nd Respondent and to pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.P.SRINIVASA REDDY

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court at the stage of admission made the following :

O R D E R (Per the Hon'ble Sri Bilal Nazki, ACJ):

Heard learned counsel for the parties and with their consent the writ petition is disposed of at the stage of admission.

The contention of learned counsel for the petitioner is that there was a total demand of about Rs. 37 lakhs, out of which, he has already paid about Rs.33 lakhs and the dispute is only with respect to an amount of about Rs.4 lakhs. The stay petition has been dismissed and the appellate authority has already heard the appeal and reserved the judgment on 21-05-2005. He submits that as the appeal has already been heard and judgment is reserved and he has paid almost the whole amount, therefore, the demand with respect to the balance of about Rs.4 lakhs should have been stayed. We agree with the learned counsel for the petitioner, allow this writ petition and direct the respondents not to force the petitioner to make the payment till the judgment is pronounced in the appeal. No order as to costs.

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(Bilal Nazki,ACJ)

16th June, 2005

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(K.C.Bhanu,J)

vrn

To

1 The Commercial Tax Officer,
Maredpally Circle Hyderabad.
2 The Appellate Deputy Commissioner (CT)
Panjagutta Division Hyderabad.
3 The Additional Commissioner (CT) Legal
Andhra Pradesh, Nampally, Hyderabad.

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5 1 CC to MR.SRINIVASA REDDY